

COMMONWEALTH OF VIRGINIA
Department of Environmental Quality

Subject: Small Renewable Energy Projects (Wind) - Guidance Memo No. REW 2011-01

To: Director, Deputy Directors, Division Directors

From: Carol Wampler, Renewable Energy Program Manager

Date: September 7, 2011

Copies: Regional Directors, Virginia CZM Manager

Summary: In 2009, the Virginia General Assembly enacted the Small Renewable Energy Projects Act (Chapters 808 and 854) directing DEQ to develop permit by rule (PBR) regulations for the construction and operation of renewable energy projects. The first PBR – for wind projects with rated capacity of 100 megawatts and less – went into effect on December 22, 2010. This Guidance document provides DEQ’s suggestions on how the requirements of 9VAC15-40, the “Small Renewable Energy Project (Wind) Permit by Rule” regulations, may be met. It is written for the benefit of agency staff, permit applicants, and members of the public. Like the statute and implementing regulations, this Guidance document addresses pre-construction natural-resource analyses, mitigation plans, post-construction monitoring, and other PBR requirements and issues. Where appropriate, the Guidance discusses methods of performing the required regulatory tasks.

The renewable energy PBR program is administered by the central office staff listed below. If wind projects require any other permits administered by DEQ, staff members from the relevant permit programs are welcome to contact renewable energy staff with any questions. The 2009 statute requires the applicant to submit in his Wind PBR application a certification that he has “applied for or obtained all necessary environmental permits.” (§10.1-1197.6 B 12 of the Code of Virginia)

Electronic Copy: An electronic copy of this Guidance is available at:

- Section I: <http://www.townhall.virginia.gov/L/ViewGDoc.cfm?gdid=4494>
- Section II: <http://www.townhall.virginia.gov/L/ViewGDoc.cfm?gdid=4495>
- Section III: <http://www.townhall.virginia.gov/L/ViewGDoc.cfm?gdid=4496>

Also, an electronic copy and additional information concerning the Wind PBR (including white papers and background information) are available on DEQ’s website at http://www.deq.state.va.us/renewable_energy/wind.html. Information concerning analysis of avian resources in the Coastal Avian Protection Zones (CAPZ) and the interactive CAPZ map can be found at <http://www.deq.state.va.us/coastal/coastalgems.html>

Contact Information: Please contact Carol Wampler at (804) 698-4579 or carol.wampler@deq.virginia.gov or Heather Mackey at (804) 698-4399 or heather.mackey@deq.virginia.gov with any questions regarding the application of this Guidance.

Disclaimer: This document is provided as guidance and, as such, sets forth standard operating procedures for the agency. However, it does not mandate any particular method nor does it prohibit any alternative method. If alternative proposals are made, such proposals should be reviewed and accepted or denied based on their technical adequacy and compliance with appropriate laws and regulations.